

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|---------------------------|---|-------------------------------|
| United States of America, |) | |
| |) | CASE NO. 4:07 CR 378 |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>MEMORANDUM OPINION AND</u> |
| |) | <u>ORDER</u> |
| Jamal Rashaan Burley, |) | |
| |) | |
| Defendant. |) | |
| |) | |

The defendant entered into a written guilty plea agreement on August 31, 2007, and in response to the plea agreement entered a plea of guilty to Counts 2 and 3 of the indictment.

Seven days later, the defendant filed a pro se motion (Docket No. 8) to withdraw his guilty plea and requested appointment of a CJA counsel so that he no longer would be represented by Debra Hughes of the Federal Defender's Office.

The Court scheduled a hearing for Monday, September 10, 2007, and directed that the defendant be present. Assistant Federal Defender Debra Hughes filed a response to the defendant's pro se motion and disputed the factual allegations. See Docket No. 9. Mr. Dennis Terez, the Federal Defender, appeared, as Assistant Federal Defender, Debra Hughes, was on vacation.

The Court read into the record the allegations contained in the defendant's pro se motion and then asked the defendant whether he stood by the truthfulness of his allegations. He answered in the affirmative.

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Counsel for the government requested the opportunity to file a response to the defendant's motion to withdraw his guilty plea.

In light of the absence of any delay by the defendant in filing his motion to withdraw his guilty plea, the Court denied the government's motion for leave to file a response and granted the defendant's motion to withdraw his guilty plea to Counts 2 and 3 of the indictment. The Court notes that Count 1 of the indictment charges only the codefendant, Thaddeus L. Banks, Jr.

The defendant's motion to withdraw his guilty plea entered on August 31, 2007 to Counts 2 and 3 is GRANTED.

The defendant's motion for the appointment of new counsel is GRANTED. The Court appoints CJA counsel, Albert L. Palombaro of Youngstown to represent the defendant.

The Court will conduct a status conference on Wednesday, September 12, 2007 at noon for the purpose of scheduling the trial.

IT IS SO ORDERED.

September 10, 2007
Date

/s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge